

BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED

MAY 25 2006

ADMINISTRATIVE HEARING
COMMISSION

W. DALE FINKE, Director
Department of Insurance
State of Missouri,

Petitioner,

vs.

Case No.: 060523214C

RICK LIDISKY,

Respondent.

Serve at:
12430 Tesson Ferry Road 212
St. Louis, Missouri 63128
(314) 479-2246

COMPLAINT

W. Dale Finke, Director of the Missouri Department of Insurance, through counsel, complains and requests the Administrative Hearing Commission find that cause exists for disciplinary action against Respondent, Rick Lidisky because:

INFORMATION RELEVANT TO ALL COUNTS

1. Petitioner is the Director of the Missouri Department of Insurance ("the Director"), whose duties include, pursuant to RSMo Chapters 374 and 375, the regulation, supervision and discipline of licensed insurance producers.
2. The Missouri Department of Insurance issued a producer license to Respondent on October 15, 2003 (license #PR318122). Respondent's license is currently active and in good standing. Respondent's license is set to expire on October 15, 2007. Respondent was issued an agent license on January 23, 1997 which was not renewed and expired on January 23, 1999.

3. The Commission has jurisdiction of this Complaint pursuant to RSMo § 621.045 (Cum. Supp. 2005).

COUNT I

4. Petitioner realleges and expressly incorporates the allegations in paragraphs 1-3.

5. Respondent has had an insurance producer license, or its equivalent, denied, suspended or revoked in another state, province, district or territory, a ground for discipline under RSMo § 375.141.1(9) (Cum. Supp. 2005).

6. The facts are as follows:

- a. As a result of an administrative proceeding, on or about July 8, 1998, Respondent entered into a consent order which required he pay a civil forfeiture in the amount of \$3,300.00 to the Director of Insurance of the State of Illinois. Violation of said consent order would result in revocation of Respondent's Illinois insurance license.
- b. On or about December 20, 2004, Respondent agreed to a voluntary revocation of his insurance license by the Director of Insurance of the State of Illinois.

7. As a result, sufficient grounds exist for disciplining Respondent's insurance license pursuant to RSMO §375.141.1(9) (Cum. Supp. 2005).

COUNT II

8. Petitioner realleges and expressly incorporates the allegations in paragraphs 1-6.

9. Respondent has intentionally provided materially incorrect, misleading, incomplete or untrue information in Respondent's license application, a ground for discipline under RSMo § 375.141.1(1) (Cum. Supp. 2005).

10. The facts are as follows:

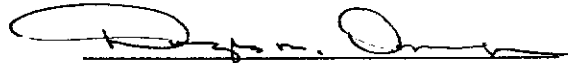
- a. On or about September 9, 2003, Respondent submitted a Uniform Application for Non-Resident Individual Insurance Producer License to the Missouri Department of Insurance; and,
 - b. Respondent intentionally represented to the Department in his application that he had never been involved in an administrative proceeding regarding any professional or occupational license. *See paragraph 6(a)*; and
 - c. Such representation was materially incorrect, misleading, incomplete or untrue; and
 - d. Respondent knew such representation was materially incorrect, misleading, incomplete or untrue; and,
 - e. Such representation was material to the Director's decision to grant the license requested.
11. As a result, sufficient grounds exist for disciplining Respondents insurance license pursuant to RSMo § 375.141.1(1).

WHEREFORE, based on the foregoing, Petitioner respectfully requests that the Commission make findings of fact and conclusions of law stating that Petitioner has established cause to discipline Respondent's insurance producer license under RSMo §§ 375.141.1(1) and 375.141.1(9) (Cum. Supp. 2005).

Respectfully submitted,



Tamara A. Wallace
Rule 13 Certified
Department of Insurance
301 West High Street, Room 530
Jefferson City, Missouri 65101
(573) 751-2619



Supervising Attorney
Douglas M. Ommen
Missouri Bar # 35301
Deputy Director
Department of Insurance
301 West High Street, Room 530
Jefferson City, Missouri 65101
(573) 751-2562

ATTORNEY FOR PETITIONER
W. Dale Finke, Director
Missouri Department of Insurance